

NO. 17-11589

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

**CODE REVISION COMMISSION on behalf of and for the benefit of THE
GENERAL ASSEMBLY OF GEORGIA, and THE STATE OF GEORGIA,**

Plaintiffs/appellees,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant/appellant.

**On Appeal from the United States District Court
for the Northern District of Georgia**

**MOTION OF *AMICI CURIAE* AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF GEORGIA, INC., SOUTHERN POVERTY LAW CENTER,
CENTER FOR DEMOCRACY & TECHNOLOGY, AND
GEORGIA COALITION FOR THE PEOPLE'S AGENDA
FOR LEAVE TO JOIN ORAL ARGUMENT**

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**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

**Code Revision Commission et al. v. Public.Resource.Org, Inc.
No. 17-11589**

Amici Curiae file this Certificate of Interested Persons and Corporate Disclosure Statement, as required by Eleventh Circuit Rules 26.1-1, 28-1(b), and 29-2.

American Civil Liberties Union Foundation (*Amicus curiae*)

American Civil Liberties Union Foundation of Georgia, Inc. (*Amicus curiae*)

Bhandari, Esha (Counsel for *Amici curiae*)

Center for Democracy & Technology (*Amicus curiae*)

Eidelman, Vera (Counsel for *Amici curiae*)

Georgia Coalition for the People's Agenda (*Amicus curiae*)

Rowland, Lee (Counsel for *Amici curiae*)

Southern Poverty Law Center (*Amicus curiae*)

Pursuant to Eleventh Circuit Rule 26.1-2(b), this Certificate includes only persons and entities omitted from the Certificate contained in Appellants' Initial Brief.

Amici Curiae American Civil Liberties Union Foundation, American Civil Liberties Union Foundation of Georgia, Inc., Southern Poverty Law Center, Center for Democracy & Technology, and Georgia Coalition for the People's Agenda are

non-profit entities that do not have parent corporations. No publicly held corporation owns 10 percent or more of any stake or stock in *amici curiae*.

/s/ Esha Bhandari

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MOTION FOR LEAVE TO JOIN ORAL ARGUMENT

Pursuant to Federal Rule of Appellate Procedure 29(a)(8), the American Civil Liberties Union Foundation (“ACLU”), American Civil Liberties Union Foundation of Georgia, Inc. (“ACLU of Georgia”), Southern Poverty Law Center (“SPLC”), the Center for Democracy & Technology (“CDT”), and Georgia Coalition for the People’s Agenda (“GCPA”) (together, “Movants”) respectfully move for leave to join oral argument for this case. Movants seek leave to join on Appellant’s side, and do not seek to extend the total time allotted for argument.¹ Counsel for Appellant consents to this motion. Counsel for Appellee opposes the motion.

1. On June 26, 2017, this Court granted Movants permission to file a brief in support of Defendant-Appellant.

2. On September 21, 2017, this Court set argument for November 16, 2017.

3. Because of the importance of the constitutional issues raised by this case and because the government has addressed issues raised by *amici* in their brief, Movants request that the Court grant Movants leave to participate in oral argument in this case.

4. This case presents an issue of first impression in this Circuit: whether the state may use federal copyright law to prevent the public from accessing the

¹ If the Court grants this Motion, Vera Eidelman, one of the chief authors of the brief, will seek admission to the Court in order to argue.

official law of the state without paying money. Movants' participation will be of particular assistance to the Court in resolving this issue because their amicus brief provided legal analysis of the constitutional implications of this issue, which Appellee addressed in its response brief, *see* Response Br. 20, 26–27, 29, 34, 36–37, and which Appellant cited to or adopted in its reply brief, *see* Reply Br. 3.

5. Movants are well-placed to present argument on the constitutional implications raised by this case—specifically, the public's right of access and the right to due process. Given the weighty constitutional issues raised by this appeal, *amici* wish to ensure that the public's interest in accessing government documents is represented before the Court, in addition to the interests of the named parties. The ACLU and its affiliates filed amicus briefs in seminal cases about the public's right of access, including *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980) and *Press-Enter. Co. v. Superior Court of California for Riverside Cty.*, 478 U.S. 1 (1986), and the due process requirement that individuals have notice of the laws that govern them, including *F.C.C. v. Fox Television Stations, Inc.*, 567 U.S. 239 (2012).

WHEREFORE, Movants respectfully request this Court to enter an order granting them leave to join oral argument on Appellant's side.

Respectfully Submitted,

Dated: September 26, 2017

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CERTIFICATE OF COMPLIANCE

1. This motion complies with the length limitation of Federal Rule of Appellate Procedure 27(d)(2) because it contains 449 words.
2. This brief complies with the typeface requirements of Federal Rules of Appellate Procedure 27(d) and 32(a)(5), and the type-style requirements of Federal Rules of Appellate Procedure 27(d) and 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman.

Dated: September 26, 2017

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 2017, the foregoing Motion for Leave to Join Oral Argument for the American Civil Liberties Union Foundation, American Civil Liberties Union Foundation of Georgia, Inc., Southern Poverty Law Center, Center for Democracy & Technology, and Georgia Coalition for the People's Agenda was filed electronically through the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system.

Dated: September 26, 2017

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